

REMARKS

Claims 1-18 were previously pending in this application. Claim 1 has been amended without prejudice or disclaimer. As a result, claims 1-18 remain pending for examination with claim 1 being an independent claim. Basis for the amendment can be found throughout the specification as filed. No new matter has been added.

Applicant acknowledges the withdrawal of the double patenting rejection and the indication that claims 2-14 would be allowable if rewritten in independent format. However, Applicant respectfully requests reconsideration of the remaining rejection in view of following remarks.

Rejection Under 35 U.S.C. §102

Claims 1 and 15-18 were rejected under 35 U.S.C. §102(e) as being anticipated by Biggs et al. (US Patent Number 6,174,323) referred to herein as “Biggs et al.”

Applicant respectfully submits that the disclosure of Biggs et al. is significantly different from the present invention. Specifically, Biggs et al. provides a device that can be used to cause lung collapse by attaching anchors to different portions of a lung and drawing the anchors towards one another using cords. In contrast, the present invention relates to using a composition comprising an anti-surfactant to promote lung collapse.

The Office Action pointed to column 6, lines 1-6 of Biggs et al. for a disclosure of an anti-surfactant composition. Applicant respectfully submits that the glue disclosed in this passage relates to connecting the cords that are used to pull on the anchors of the device of Biggs et al. Therefore, Applicant submits that Biggs et al. fails to disclose a composition comprising an anti-surfactant that promotes collapse of a target region of a patient’s lung as presently claimed.

Accordingly, withdrawal of the rejection under 35 U.S.C. §102 is respectfully requested.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: July 25, 2006

Respectfully submitted,

By Pat R.H. Wall
Patrick R.H. Waller
Registration No.: 41,418
WOLF, GREENFIELD & SACKS, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
(617) 646-8000

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